

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

CASE NO.: 10-08844 (MCF)

HOSPITAL DAMAS, INC.

Chapter 11

Debtor

**CREDITOR'S (INFOMEDIKA, INC.) REQUEST FOR DEBTOR
TO ASSUME OR REJECT EXECUTORY CONTRACT**

TO THE HONORABLE COURT:

COMES NOW creditor, Infomedika, Inc. ("**Infomedika**"), through the undersigned legal counsel, and STATES and PRAYS:

1. On this date, Infomedika filed two Proofs of Claim in the instant case in the following amounts: \$224,846.41 financing agreement for software applications; and \$113,072.33 for software support, maintenance and related services rendered; totaling \$337,918.74.

2. These amounts correspond to the following three executory contracts currently in effect between Infomedika and Debtor: (i) Master Software License System, Installation, Training, and Implementation Agreement no. 2003.HDI.004.001.00; Software Agreement (Radiology & Evolution) no. 2003.HDI.004.001.00 and (ii) Software 3M RCS, APCfinder Agreement no. 3M2000.010.002.01.

3. Through these contracts, Infomedika granted licenses for the use of software systems (the "**Software-Systems**") and rendered related services to Debtor.

4. Debtor is presently using the Software-Systems and obtaining their related services from Infomedika (support, maintenance and others).

5. The continuation of Debtor's operations, in good measure, is dependant on the use of the Software-Systems and their related services, since the Software-Systems capture, process and communicate all patient data that, in turn, Debtor uses for billing, medical treatment and statistical purposes.

6. The above mentioned executory contracts have the following monthly payments:

Contract no.	Monthly Payment
2003.HDI.004.001.00	\$20,804.72
2003.HDI.004.001.00	\$7,858.22
3M2000.010.002.01	\$850.83
Total	\$29,513.77

7. At present, Debtor is in arrears in said monthly payments.

8. Infomedika is hereby requesting Debtor to either assume the above-mentioned contracts; or reject them, and stop using the Software Systems and return all its copies.

9. At present, Debtor makes some of the monthly payments to Infomedika via electronic funds transfer as direct debits to its bank account. In the event Debtor assumes the executory contracts, Infomedika requests that this Honorable Court authorizes that the monthly payment (\$29,513.77) be made through direct debit to Debtor's bank account.

WHEREFORE, the appearing creditor, Infomedika, Inc., respectfully requests this Honorable Court to order Debtor to either assume or reject the executory contracts currently in effect between them.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 19th day of October 2010, date on which I CERTIFY that the present document was filed via the CM/ECF System.

S / Rafael Baella-Silva
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